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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,683	07/28/2008	Joseph P. Glynn	GLYJ 8885W1	4323
1688	7590	11/09/2009	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615				FLORES SANCHEZ, OMAR
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
11/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/585,683	GLYNN, JOSEPH P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Omar Flores-Sánchez	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 June 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2 and 4-28 is/are pending in the application.

4a) Of the above claim(s) 9-13,18-21 and 25-28 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,4-8,14-17,22 and 23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-6, 8, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over James (2,593,760) in view of Niksich (3,621,894).

James discloses (Fig. 1-12) the invention substantially as claimed including a frame including two spaced arms 10 and 11, a handle 35 and 37, at least two blade guides 41, a blade 47, a motor 21 mounted in a housing (the exterior case of the motor 21), a power supply (see the cord connected to the motor 21), a tension device (see Fig. 6), a gear system (see Fig. 8), a bevel gear 24, a driven gear 25 and a switch (inherently disclosed) and a generally Y-shaped frame (see Fig. 1, where the arms 10-11 and a plate 20 form a Y-shape frame). James doesn't show tension rollers, an adjustment screw and an adjustment nut. However, Niksich teaches the use of tension rollers (29 and 31), an adjustment screw (see Fig. 4) and an adjustment nut (41, 46) for the purpose of adjusting the tension of the blade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the adjustment device (32, 33) of James by providing the tension rollers, adjustment screw and adjustment nut as taught by Niksich in order to obtain a device that quickly tension the blade in each arm. Also,

Niksich teaches increasing and decreasing the distance between the rollers since the rollers are installed at an angle relative to each other.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over James (2,593,760) in view of Niksich (3,621,894) as applied to claim 1 above, and further in view of Halsey (5,388,334).

The modified device of James discloses the invention substantially as claimed except for a cover. However, Halsey teaches the use of a cover 14 for the purpose of protecting the gear system (see Fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of James by providing the cover as taught by Halsey in order to obtain a device that protect the gear system.

4. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over James (2,593,760) in view of Halsey (5,388,334).

James discloses the invention substantially as claimed including a generally Y-shaped frame (see Fig. 1, where the arms 10-11 and a plate 20 form a Y-shape frame) including two spaced arms 10 and 11, at least two blade guides 41, a blade 47, a drive source 21, a power source (see the cord connected to the motor 21), a tension device (see Fig. 6) and a gear system (see Fig. 8). James doesn't show a housing defining a handle. However, Halsey teaches the use of a housing defining a handle 14 for the purpose of having a more comfortable grip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of James by providing the cover as taught by Halsey in order to obtain

a device that have a more comfortable grip. Halsey teaches the drive source mounted in the housing (see Fig. 3).

***Response to Arguments***

5. Applicant's arguments have been fully considered but they are not persuasive. Regarding Applicant arguments, Niksich was introduced as evidence that the adjustment screw, the rollers and nut are art-recognized equivalent to the adjustment device of James since the two systems are used for adjusting the tension of the blade.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./  
Examiner, Art Unit 3724  
11/5/2009

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724